

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 215 – SB 1328**

March 11, 2011

**SUMMARY OF BILL:** Authorizes a court to order a first-time violator of an order of protection to wear an electronic tracking device for the duration of the order of protection. Requires the court to order such tracking device for a second or subsequent violation of the order of protection. Requires the defendant to cover all costs associated with the purchase and maintenance of such electronic tracking device.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Revenue – \$8,400  
\$20,400/Permissive**

**Increase Local Expenditures – \$78,000\*  
\$181,200/Permissive**

**Assumptions:**

- According to the Administrative Office of the Courts, there has been an average of 64 state court convictions for domestic violence offenses in each of the past three years. State court convictions are 10 percent of the total convictions. Total convictions, including general session courts, are estimated to be an average of 640 per year.
- According to the Davidson County Sheriff's Office, approximately 75 percent (or 480) of those offenders will make bail.
- It is estimated that 30 percent (or 144) of that will be second-time offenders and will be required to wear an electronic tracking device. Seventy percent (or 336) may be required to wear the device.
- The Board of Probation and Parole (BOPP) currently charges offenders under its supervision \$50 per month for GPS monitoring. According to BOPP, 90 percent of offenders are indigent and cannot pay.
- Estimate assumes the same 90 percent, or 130, of the 144 second-time offenders who make bail will not be able to pay the fees resulting in an increase in mandatory local expenditures of \$78,000 (\$50 x 130 offenders x 12 months).
- The remaining 14 will have the ability to pay, resulting in an increase in mandatory local government revenue of \$8,400 (\$50 x 14 offenders x 12 months).
- Ninety percent, or 302, of the 336 first-time offenders who make bail will not be able to pay the fees if required to wear the device, resulting in an increase in permissive local expenditures of \$181,200 (\$50 x 302 offenders x 12 months).

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- The remaining 34 will have the ability to pay, resulting in an increase in permissive local government revenue of \$20,400 (\$50 x 34 offenders x 12 months).
- Local governments will monitor electronic tracking systems within their existing resources.

*\*Article II, Section 24 of the Tennessee Constitution provides that: No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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